

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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9 MITSUI O.S.K. LINES, LTD.,

No. C 10-05587 WHA

10 Plaintiff,

11 v.

**ORDER SUSTAINING
RULE 26(f) OBLIGATIONS**


12 QINGDAO JMS LOGISTICS CO. LTD.,
13 and DOES 1 through 20

14 Defendants.
15 _____/

16 The parties jointly request an order specifying “whether defendant’s anticipated filing of
17 its motion to stay this action and to compel arbitration should suspend their Rule 26(f) obligations
18 to confer and develop a discovery plan pursuant to Fed. R. Civ. Pro. 26(f) or to provide the initial
19 disclosures to the other party pursuant to Fed. R. Civ. Pro. 26(a)(1)” (Dkt. No. 18 at 1–2). The
20 answer is a resounding “no.” Neither defendant’s anticipated filing of such a motion nor the
21 actual filing of the motion would suspend the parties’ Rule 26 obligations. Litigation must
22 proceed in a timely manner despite the uncertainties that inevitably are manifested along the way.
23 This order does not take any position as to the merits of defendant’s anticipated motion.

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25 **IT IS SO ORDERED.**

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27 Dated: March 9, 2011.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE